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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Eric Watson, an Individual

Plaintiff,
v.

Banc of America Merchant Services, LLC, a
Foreign Limited Liability Company; and Re
Corporations 1-X,

Defendants.

Case No. 2:19-cv-00783-RFB-VCF

**STIPULATION FOR EXTENSION OF
TIME TO FILE RESPONSE TO
PLAINTIFF'S COMPLAINT
(Second Request)**

Complaint Filed: May 7, 2019

Pursuant to LR IA 6-2 and LR 7-1, Plaintiff and Defendant Banc of America Merchant Services, LLC (“Defendant”), by and through their respective attorneys of record, stipulate and agree as follows:

WHEREAS, Plaintiff Eric Watson filed a Complaint against Defendant Banc of America Merchant Services, LLC, on or about May 7, 2019; and

WHEREAS, the Complaint was served on Defendant on May 10, 2019 by personal service upon its agent for service of process in Charlotte, North Carolina; and

WHEREAS, the parties previously stipulated to an extension because Defendant asserted that a fully executed copy of a written agreement between Plaintiff and Defendant that bars the claims in the initial Complaint, and Plaintiff’s counsel needed time to investigate the matter and consider whether it is appropriate to voluntarily dismiss the Complaint; and

WHEREAS, upon further consideration, Plaintiff has voluntarily amended the Complaint within the time to do so under Federal Rules of Civil Procedure, Rule 15(a)(1)(A), on June 18, 2019; and

WHEREAS, Federal Rules of Civil Procedure, Rule 15(a)(1)(C) provides that “Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later”; and

WHEREAS, by prior stipulation, the deadline to file a responsive pleading would be June 30, 2019, or, pursuant to Federal Rules of Civil Procedure, Rule 15(a)(1)(C), is July 2, 2019, and, due to the new allegations, counsel for Plaintiff offered to stipulate to an additional extension; and,

WHEREAS, counsel for Defendant has accepted Plaintiff’s offer since counsel reasonably needs additional time to investigate the new factual allegations, and to evaluate and prepare its responsive pleading, which may include a motion to dismiss, motion for judgment on the pleadings, motion to transfer venue, an answer and/or a counter claim, and

WHEREAS, pursuant to Local Rule IA 6-1, the parties to an action may seek an order by stipulation to extend the time within which to respond to a pleading for good cause; and

WHEREAS, this is the second stipulation for extension of time to plead or move in response to the Complaint; and

WHEREAS, good cause exists to extend the time by which Defendant must respond by responsive pleading or motion because the parties have agreed to allow Defendant's counsel time to investigate the new allegations in the First Amended Complaint;

NOW THEREFORE, the Parties hereby stipulate and agree to extend Defendant's deadline to move or plead in response to the Complaint to July 12, 2019. Defendant expressly does not waive, and reserves its right, to file a motion to dismiss under FRCP 12(b)(2), (3), or (6), and/or to make a motion for transfer of venue pursuant to 28 U.S.C. section 1406(a).

IT IS SO STIPULATED.

Dated: June 18, 2019

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LAW CORPORATION

By: /s/ Shauna N. Correia
Shauna N. Correia, Esq.
Attorneys for Defendants
Banc of America Merchant Services LLC

Dated: June 18, 2019

HKM EMPLOYMENT ATTORNEYS LLP

By: /s/ Jenny L. Foley
Jenny L. Foley, Ph.D., Esq.
Attorneys for Plaintiff
Eric Watson

[PROPOSED] ORDER

Good cause appearing therefore, Defendant's deadline to move or plead in response to the Complaint shall be extended by 10 days beyond the time allowed in Federal Rules of Civil Procedure Rule 15(a)(1)(C), to July 12, 2019.

IT IS SO ORDERED:

By: 
UNITED STATES MAGISTRATE JUDGE

June 20, 2019
DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June 2019, I electronically filed and served a true and correct copy of the foregoing document **STIPULATION FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF'S COMPLAINT (Second Request)** by using the CM/ECF electronic filing system. I further certify that all the participants in the case are registered CM/ECF users and that service will be accomplished by the Court's CM/ECF electronic system.

/s/ Edith Sanchez
Litigation Secretary of Weintraub Tobin Chediak Coleman Grodin